

2023:PHHC:145884

**152 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-2644-2023 (O&M)
Date of decision: 16.11.2023

Narpat

....Petitioner

Versus

Dalip Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Aditya Jain,
Mr. Rahul Vohra,
Mr. S.S.Modgil Advocates for the petitioner

Ms. Rashi Shahrawat, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

1. The petitioner filed an application for condonation of delay of 510 days in filing the first appeal. Para 3 of the application reads as under:-

“3. That the trial has not gone through the evidence properly and has passed a decree on the basis of surmises and conjectures. That the appellant only came to know about judgement and decree under challenged when after receiving of summons of execution the appellant met his new counsel and he later on obtained the certified copy of judgement and decree under challenged.”

2. It has come on record that the defence of the petitioner was struck off by the trial court on 19.03.2013. The First Appellate

Court has refused to condone the delay on the ground that the petitioner has failed to disclose sufficient reasons. The correctness of the aforesaid order is challenged in this revision petition.

3. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. Learned counsel representing the petitioner contends that the court should liberally construe the expression '*sufficient cause*' to enable the First Appellate Court to decide the case on merits. He submits that the First Appellate Court has erred in refusing to condone the delay.

5. At this stage, it becomes imperative to carefully examine the contents of para 3 of the application, which have already been reproduced. The petitioner has not disclosed the reasons for his absence since 2013. He has stated that after the receipt of the summons from the Executing Court, he met a new counsel and filed the appeal. In the considered opinion of the Court, such explanation is not sufficient to condone the delay of nearly 1 ½ years. Hence, no ground to interfere is made out.

6. Dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

16.11.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE